

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ELLIOTT INDUSTRIES LIMITED PARTNERSHIP,  
A New Mexico limited partnership,

Plaintiff,

vs.

Civ. 00-655 JC/WWD ACE

CONOCO Inc., a Delaware corporation,  
AMOCO PRODUCTION COMPANY,  
a Delaware corporation, and AMOCO ENERGY  
TRADING CORP., a Delaware corporation,

Defendants.

MEMORANDUM OPINION AND  
PARTIAL SCHEDULING ORDER

This matter comes before the Court following an Initial Rule 16 Scheduling Conference with the parties in which the parties had few areas of agreement. Nevertheless, certain matters can be scheduled at this time, and the schedule on those matters will be set out below. Also important are certain matters not ripe for determination at this time as well as other items which should be addressed cooperatively by counsel. Defendants have filed a motion to dismiss. When the briefing on this motion is completed, it will be referred the trial judge promptly. As soon as the reply is filed on the motion seeking certification of the proposed class in this litigation, the trial judge shall be notified; additionally, the trial judge will be informed of the class certification motion scheduling set out in this order so as to facilitate the scheduling of a certification hearing. Status conferences will be convened as I deem necessary. Appointment of a special master for discovery matters will be recommended to the trial judge if the parties agree to an equitable arrangement for

funding the special master; provided, however, that if the parties cannot agree on such a plan, the Court may, in its discretion, appoint a special master, if such appointment is found to be warranted.

Dates for submission of the purposed pre-trial order and for a pre-trial conference will be set later.

The dates for the events listed below shall be as set out, to wit:

Plaintiff's identification and curriculum vitae ("CVs") of experts<sup>1</sup> to defendants by  
November 20, 2000

Defendants' identification and CVs of experts to plaintiff by December 19, 2000

Plaintiff's submission of class expert reports to defendant by December 19, 2000

Defendants' submission of class expert reports to plaintiff by January 19, 2001

Defendants' response to motion for class certification is due by February 8, 2001

Plaintiff's reply to motion for class certification is due by February 28, 2001

Plaintiff's identification and CVs of merits experts to defendants by May 25, 2001

Defendants' identification and CVs of merits experts to plaintiff by June 11, 2001

Plaintiff's submission of merits expert reports to defendant by June 11, 2001

Defendants' submission of merits expert reports to plaintiff by July 11, 2001

Discovery shall be completed by September 11, 2001.

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE

---

<sup>1</sup>These three dates in November, December, and January, involve experts on the class issue.